

**Notice of Allowability**

Application No.

10/604,053

Examiner

Hargobind S Sawhney

Applicant(s)

ACKERMANN, DIRK KARL-HEINZ

Art Unit

2875

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on December 29, 2004.
2. ☒ The allowed claim(s) is/are 1.
3. ☒ The drawings filed on 24 June 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 2/4/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

1. The amendment filed on December 29, 2004 has been entered. Accordingly:
  - The specification has been amended; and
  - Claim 1 has been amended.
2. On February 4, 2005, the examiner contacted Mr. Dirk Karl-Heinz Ackermann, the pro se applicant, to inform that the amended independent Claim 1 include allowable subject. However, one of limitations needs to be amended to correctly reflect the second light source positioning compatible with the respective positioning of the first light source. The examiner suggested the following:

Claim 1 (amended), lines 11, "said at least one first cylinder" should be rephrased as -- said at least second cylinder--.

In response, Mr. Ackermann authorized an Examiner's Amendment requiring amendment of Claim 1 as indicated above. A copy of the interview summary is attached herewith.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dirk Karl-Heinz Ackermann on February 4, 2005.

Claim 1 (amended), lines 11, replace "said at least one first cylinder" with -- said at least second cylinder--.

***Allowable Subject Matter***

4. Claim 1 is allowed.

The prior art of record, including Schirneker (U.S. Patent No. 5,980,241) and Hender Jr. (U.S. Patent No. 5,086,380, does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose an open-flame light source, generating light and heat, comprising a U-shaped transparent container including:

- first and second cylinders each having its upper end open; the bottom ends of the first and second open- cylinders connected to each other via a hollow body as recited in Claim 1;
- a first light source positioned at the bottom of the first open-end cylinder, and a second light source positioned at the top of the second cylinder as recited in Claim 1; and
- the light sources producing air current in upward or downward direction as recited in Claim 1.

The above-indicated combination, including positioning of first and second open-flame light sources, and their producing air current in a predetermined direction, makes this invention unique.

Therefore, Claim 1 is allowed over prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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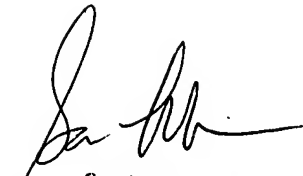
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

2/4/2005



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800